

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

**In re:**

**ROCHELLE B. ANDERSON,  
DEBTOR.**

**CHAPTER 13  
CASE NO. 19-32843-KLP**

**OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN**

**NOTICE**

**YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)**

**IF YOU DO NOT WISH THE COURT TO SUSTAIN THE OBJECTION SOUGHT HEREIN, OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE OBJECTION, THEN YOU MUST ATTEND THE HEARING ON THIS MATTER. OTHERWISE, THE COURT MAY DEEM OPPOSITION WAIVED, TREAT THE OBJECTION AS CONCEDED, AND ISSUE AN ORDER SUSTAINING THE OBJECTION WITHOUT FURTHER NOTICE OR HEARING.**

**THE HEARING IS SCHEDULED TO BE HELD ON AUGUST 14, 2019 AT 9:10 A.M. AT THE U.S. BANKRUPTCY COURT, 701 EAST BROAD STREET, RICHMOND, VA 23219, IN COURTROOM NUMBER 5100.**

**COMES NOW**, MATRIX FINANCIAL SERVICES CORPORATION ("Secured Creditor"), by Counsel, and objects to the confirmation of the Chapter 13 Plan (the "Plan") and in support thereof, represents unto the Court:

1. Secured Creditor has a claim against the property of the Debtor located at 11742 Bailey Woods Drive, Midlothian, VA 23112-3066 by virtue of the Note and accompanying Deed of Trust.
2. The Secured Creditor is in the process of filing a Proof of Claim in the instant case. Secured Creditor estimates that the pre-petition arrears due are approximately \$32,668.91.
3. The Plan filed June 11, 2019 makes no payment provisions for this Secured Creditor as to any pre-petition arrears due to speculation of a loan modification.
4. Debtor's Plan is speculative and not feasible under 11 U.S.C. § 1325(a)(5) as it relies on a future loan modification to cure outstanding arrears.
5. The Plan as filed attempts to violate the anti-modification provisions contained under U. S. C. § 1322. Debtor acknowledges that there are significant arrears and seeks to obtain a loan modification to eliminate the existing arrearage by November 30, 2019. Should the loan modification not be granted, Debtor proposes to then surrender the subject property to the Secured

Creditor. Per *See White v. Logan (In re White)*, 487 F.3d 199 at 205 (4<sup>th</sup> Cir. 2007), surrender should be unequivocal and immediate at or before plan confirmation, not contingent and at a future date.

6. Pursuant to 11 U.S.C. § 1325, Debtor must meet the burden of proving the bankruptcy Plan and petition were filed in good faith. This case was presumptively not filed in good faith because an Order Terminating Stay was filed in Debtor's last bankruptcy case on February 27, 2019, and the current Plan is not a good faith attempt to repay mortgage arrears but rather a request for the lender to modify the loan to accommodate Debtor's serious delinquency. Secured Creditor intends to oppose Debtor's Motion to Extend Automatic Stay.

7. Secured Creditor objects due to the aforesaid deficiencies contained in the Plan.

8. Any Chapter 13 Plan proposed by the Debtor must provide for and eliminate the objections specified above in order to be feasible and to provide adequate protection to this Secured Creditor. It is respectfully requested that this Court deny confirmation of the Plan.

**WHEREFORE**, the undersigned requests as follows:

1. That confirmation of the proposed Plan be denied;
2. Debtor be required to modify the Plan to honor the terms and conditions of the Deed of Trust; and
3. For such other relief as this Court deems proper.

Respectfully Submitted,

MATRIX FINANCIAL SERVICES CORPORATION

By: **/s/ BRANDON R. JORDAN**

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#### CERTIFICATE OF SERVICE

I certify that on June 20, 2019, the foregoing Objection was served via CM/ECF on Carl M. Bates, Trustee, and Pia J. North, Counsel for Debtor, at the email addresses registered with the Court, and that a true copy was mailed via first class mail, postage prepaid, to Rochelle B. Anderson, Debtor, 11742 Bailey Woods Drive, Midlothian, VA 23112.

**/s/ BRANDON R. JORDAN**

Brandon R. Jordan, Esquire  
Samuel I. White, P. C.